



UNITED STATES PATENT AND TRADEMARK OFFICE

7

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,708	09/18/2003	Steven T. Brentano	GP107-03.DV1	6892

21365 7590 02/22/2007
GEN PROBE INCORPORATED
10210 GENETIC CENTER DRIVE
Mail Stop #1 / Patent Dept.
SAN DIEGO, CA 92121

EXAMINER	
SWITZER, JULIET CAROLINE	

ART UNIT	PAPER NUMBER
1634	

NOTIFICATION DATE	DELIVERY MODE
02/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdept@gen-probe.com
kelleec@gen-probe.com

Examiner-Initiated Interview Summary	Application No. 10/665,708	Applicant(s) BRENTANO ET AL.	
	Examiner Juliet C. Switzer	Art Unit 1634	

All Participants:

Status of Application: after-final

(1) Juliet C. Switzer.

(3) _____

(2) Christine Gritzmacher.

(4) _____

Date of Interview: 15 February 2007

Time: afternoon

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No
 If Yes, provide a brief description:

Part I.

Rejection(s) discussed:
 112 2nd rejection claims 16-18

Claims discussed:
 16

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
 See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


 (Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The final office action set forth an incomplete rejection of claims 16-18 under 112 2nd paragraph. This was an editing error. Claims 16-18 are not intended to be rejected under 112 2nd paragraph in the final office action.

Further, the claim 16 was discussed. The examiner stated that the use of a broad transitional phrase followed by a narrower transitional phrase was problematic for defining the contents of a "kit," since the broad language would control. The examiner referred to the federal circuit case *In re Crish*, 73 USPQ2d 1364 (Fed. Cir. 2004). No agreement was reached.